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Our File No.

38110-100

September 9, 2022

By ECF and E-Mail

Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

**Re: *Kleeberg, et al. v. Eber, et al.***  
**Docket No. 16-cv-9517 (LAK)**

Dear Judge Kaplan:

We represent Defendants in the above-captioned action. This letter is respectfully submitted, pursuant to the Court's Individual Rules, to request that certain specific dollar amounts be redacted from the Declaration of Sumner T. Pearsall (the "Pearsall Declaration"), which is being submitted in connection with the Defendants' application to permit certain limited tax distributions from nominal Defendant Eber-Connecticut ("Eber CT") to its members.

The only items sought to be redacted from the Pearsall Declaration are the taxable income of Eber CT for two tax years, 2020 and 2021, the taxable income allocable to the Eber CT members for those years, the amounts paid or to be paid by certain members for taxes, and the specific dollar amounts of distributions sought to be made to the members. The taxable income of Eber CT for 2020 and 2021 is highly confidential business information, and the disclosure of such information could cause competitive harm to the company. The amount of taxes paid or to be paid is similarly highly confidential, and the disclosure of tax information and the specific tax distributions to be made could be unfairly used by competitors to learn financial information about Eber CT that is properly private and confidential. This request is narrowly tailored, as the redactions concern only specific dollar amounts related to taxable income, payment of taxes, and distributions to be made to Eber CT members. We have contacted counsel for Plaintiffs, and he consents to this request. As provided in the Court's Individual Rules, Defendants are filing the redacted declaration on ECF and filing the unredacted declaration under seal.

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For these reasons, Defendants respectfully submit that the proposed redactions are narrowly tailored to protect confidential business information and request that the Court permit the public filing of the Pearsall Declaration in redacted form.

We thank the Court for its consideration of this matter.

Respectfully submitted,

*s/ Kevin P. Mulry*

Kevin P. Mulry

cc: All counsel (By ECF and E-mail)